



Association of British Insurers  
One America Square, 17 Crosswall,  
London EC3N 2LB  
T: 020 7600 3333 | [abi.org.uk](http://abi.org.uk)

SAR guidance consultation  
Regulatory Assurance Department  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

11 February 2020

Dear SAR guidance consultation team,

**ABI response to the ICO consultation on the draft right of access guidance**

The ABI is the voice of the UK's world-leading insurance and long-term savings industry.

We welcome the opportunity to provide input into the ICO's draft right of access guidance and provide examples of ABI member firms' experiences in dealing with Subject Access Requests since May 2018.

Whilst we are supportive of the guidance overall, we wanted to raise some specific points in relation to Data Subject Access Requests and insurers' experiences with them.

We would like to highlight the "significant" increase in Data Subject Access Requests to ABI members since May 2018, most notably from Claims Management Companies (CMCs), but also from claimant solicitors acting on behalf of data subjects. To give an indication of scale, some members have noted that over half of Data Subject Access Requests now come from CMCs and one firm noted that, in one month alone, they received nearly 200 requests from CMCs.

Whilst the guidance recognises that "in the financial services sector...it is not uncommon for claims management companies to make bulk requests on behalf of multiple individuals", given that such a volume of requests is received via these third parties, we would value greater emphasis within the guidance on the regulatory requirements on these third parties to fulfil their own data protection obligations and the way in which firms should treat requests from CMCs.



For example:

- In relation to clear and transparent communications with data subjects, we would welcome stronger messaging about the need for CMCs to obtain appropriate consent from the data subject for the processing of their personal data, and to ensure that the data subject receives clear and transparent communications about the way their personal data will be processed by the CMC;
- To assist with the data minimisation principle, we would value more emphasis in the guidance on the need for CMCs' claims to have a good base and for CMCs to investigate the existence and merits of each element of a potential claim, as outlined in the FCA Dear CEO letter to CMCs in June 2019.
- Clarification on the extent to which requests from CMCs can be treated as requests for information rather than DSARs, and how firms can make a clear distinction between the two different types of request would also be beneficial.
- We would also value a clear link in the guidance to CMCs' regulatory requirements under the FCA, and for the guidance to make reference to the FCA's policy statement PS18-23 (Claims Management: how we will regulate claims management companies).

Please don't hesitate to contact me if you would like any further information.

Yours faithfully

